

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NANETTE NOLAND, *et al*,

Plaintiffs,

VS.

FEDERAL HOME LOAN
CORPORATION,

Defendant.

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CIVIL ACTION NO. C-11-138

ORDER

For the reasons set forth below, this Court hereby DISMISSES the above-styled action for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).


Plaintiffs Nanette Noland and The Powell Group, LLC filed this action in this Court on April 28, 2011. (D.E. 1.) The Court scheduled an Initial Pretrial Conference (“IPTC”) for June 7, 2011. (D.E. 3.) Counsel for Plaintiffs failed to appear at the June 7 IPTC, in violation of this Court’s Order for Conference and Disclosure of Interested Parties. (D.E. 3 ¶ 1.) Plaintiffs (in conjunction with Defendant) also failed to file a Joint Discovery / Case Management Plan as required by Federal Rule of Civil Procedure 26(f). Fed. R. Civ. P. 26(f); D.E. 3 ¶ 4. Counsel failed to file a motion for a continuance or to otherwise inform the Court of his inability to attend the IPTC.

“A district court sua sponte may dismiss an action for failure to prosecute or to comply with any court order.” Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998); see also Anthony v. Marion County Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980) (“Rule 41(b) provides that a case may be dismissed for failure to prosecute ... [a district court may] sua sponte dismiss an action whenever necessary to achieve the orderly and

expeditious disposition of cases.”) (internal citations omitted); see also Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”).

In light of Plaintiffs’ failure to appear at the IPTC, and failure to comply with Federal Rule of Civil Procedure 26(f), the Court hereby DISMISSES Plaintiffs’ action in its entirety, for failure to prosecute.

SIGNED and ORDERED this 9th day of June, 2011.


Janis Graham Jack
United States District Judge